

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

**CASE NO.: 23-52106-jrs
CHAPTER 13**

**Jennifer Leigh Blanks
aka Jennifer Blanks,**

Debtor.

**RESPONSE TO MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC
STAY UNDER 11 U.S.C. Sec.362(k)**

COMES NOW, HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR STRUCTURED ADJUSTABLE RATE MORTGAGE LOAN TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-21 ("Secured Creditor"), by and through its undersigned counsel, and files its Response to Motion for Sanctions for Violation of the Automatic Stay Under 11 U.S.C. Sec 362(k) (DE #16), and states as follows:

1. Debtor, Jennifer Leigh Blanks ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on March 4, 2023.
2. Secured Creditor holds a security interest in the Debtor's real property located at 7201 CAPPS FERRY RD, DOUGLASVILLE, GA 30135.
3. Debtor filed a Motion for Sanctions for Violation of the Automatic Stay Under 11 U.S.C. Sec 362(k) (DE 16) ("Motion") on March 24, 2023.
4. Secured Creditor objects to allegations in Debtor's Motion as the foreclosure sale had been rescinded once Secured Creditor discovered Debtor's bankruptcy filing, shortly after the sale was held, on March 7, 2023. Shortly thereafter, the third party purchaser was made aware of the rescission due to bankruptcy filing.
5. Additionally, Secured Creditor avers that the letter attached to Debtor's Motion as "Exhibit A" is not from Secured Creditor, it is from the third party purchaser from the rescinded

sale. Secured Creditor did not place anything on the property that would lead to a stay violation in an attempt to collect the debt, as Secured Creditor was aware that the Debtor's bankruptcy was filed at the time and had notified the third party purchaser.

6. Secured Creditor does not control the actions of the third party purchaser who placed the letter on Debtor's door, and therefore should not be held liable for the purchaser's actions.
7. Secured Creditor reserves the right to supplement or amend its response at any time before or at the hearing.

WHEREFORE, Secured Creditor respectfully requests this Court deny Debtor's Motion for Sanctions, and for such other and further relief as the Court may deem just and proper.

Date: April 13, 2023

**Robertson, Anschutz, Schneid, Crane
& Partners, PLLC**

/s/ Andrea L. Betts

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on April 13, 2023, I caused to be electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

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